



International Tribunal for the  
Prosecution of Persons Responsible  
for Serious Violations of International  
Humanitarian Law Committed in the  
Territory of The Former Yugoslavia  
since 1991

Case No.: IT-99-36-AR73.9

Date: 4 September 2002

Original: English  
French

**IN THE APPEALS CHAMBER OF THE INTERNATIONAL TRIBUNAL**

**Before:** Judge Jorda, President  
Judge Shahabuddeen  
Judge Güney  
Judge Gunawardana  
Judge Meron

**Registrar:** Mr Hans Holthuis

**Decision of:** 4 September 2002

**THE PROSECUTOR**

v.

**RADOSLAV BRĐANIN  
AND  
MOMIR TALIĆ**

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**SCHEDULING ORDER**

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**Office of the Prosecutor:**

Mrs Joanna Korner  
Mr Andrew Cayley

**Counsel for Jonathan Randal:**

Mr Geoffrey Robertson  
Mr Steven Powles

**Defence Counsel:**

**Radoslav Brđanin**  
Mr John Ackerman  
Mr Milan Trbojević  
**Momir Talić**  
Mr Slobodan Zečević  
Ms Natacha Fauveau-Ivanović

**Amici Curiae:**

Mr Floyd Abrams  
Mr Joel Kurtzberg  
Ms Karen Kaiser  
Cabill, Gordon & Reindel

**THE APPEALS CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter “the International Tribunal”),

**NOTING** the “Decision on Motion to Set Aside Confidential Subpoena to Give Evidence” rendered in English on 7 June 2002,

**NOTING** the “Decision to Grant Certification to Appeal the Trial Chamber's "Decision on Motion to Set Aside Confidential Subpoena to Give Evidence"” rendered in English on 19 June 2002,

**NOTING** the “Motion to Appeal the Trial Chamber's "Decision on Motion on Behalf of Jonathan Randal to Set Aside Confidential Subpoena to Give Evidence"” filed by Counsel for Jonathan Randal in English on 26 June 2002 (hereinafter “the Appellant”),

**NOTING** the “Written Submissions in Support of "Motion to Appeal Trial Chamber's Decision on Motion on Behalf of Jonathan Randal to Set Aside Confidential Subpoena to Give Evidence"” filed by the Appellant on 3 July 2002 (hereinafter “the Motion”) in which he requests *inter alia* that a public hearing be held,

**NOTING** the “Prosecution’s Response to "Written Submissions in Support of Motion to Appeal Trial Chamber's Decision on Motion on Behalf of Jonathan Randal to Set Aside Confidential Subpoena to Give Evidence" filed 4 July 2002” filed by the Office of the Prosecutor (hereinafter “the Prosecutor”) on 15 July 2002,

**NOTING** the “Decision on the Request for Extension of Time Limit and Authorising Appearance as *Amici Curiae*” rendered on 1 August 2002 which authorises a number of publishing companies and organisations (hereinafter “the *Amici Curiae*”) that defend the interests of journalists<sup>1</sup> to participate in this case as *Amici Curiae*,

**NOTING** the “Brief *Amici Curiae* on Behalf of Various Media Entities and in Support of Jonathan Randal’s Appeal of Trial Chamber’s "Decision on Motion to Set Aside Confidential

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<sup>1</sup> Including the *New York Times Company*, the *Dow Jones Company*, the *Tribune Company*, the *Washington Post Company*, the *Committee to Protect Journalists*, the *Reporters Committee for Freedom of the Press* and the *Society of Professional Journalists*.

Subpoena to Give Evidence” (hereinafter “the Brief *Amici Curiae*”) filed on 16 August 2002 in which the *Amici Curiae* request *inter alia* that a public hearing be held,

**NOTING** the “Prosecution’s Response to “Brief *Amici Curiae* on Behalf of Various Media Entities and in Support of Jonathan Randal’s Appeal of Trial Chamber’s ‘Decision on Motion to Set Aside Confidential Subpoena to Give Evidence’” filed 16 August 2002” filed by the Prosecutor on 27 August 2002,

**NOTING** that the Prosecutor verbally informed the legal officer of the Chamber that she does not object to a hearing being held,

**NOTING** that Defence Counsel for Radoslav Brđanin and Momir Talić did not file any written submissions in this case,

**NOTING** that Radoslav Brđanin’s Defence verbally informed the legal officer of the Chamber that it will need ten minutes in which to present its arguments,

**NOTING** that Momir Talić’s Defence verbally informed the legal officer of the Chamber that it does not intend to present arguments in this case,

**CONSIDERING** the scope of the issues raised in the Motion and the Brief *Amici Curiae*,

**FOR THE FOREGOING REASONS,**

**ORDERS** that a public hearing be held in this case in courtroom III at 0900 hours on Thursday, 3 October 2002 and that the hearing proceed as follows:

40 minutes for the presentation of the Appellant's arguments

40 minutes for the presentation of the arguments of the *Amici Curiae*

40 minutes for the Prosecutor's response

10 minutes for Radoslav Brđanin's response

10 minutes for the reply of the *Amici Curiae*

10 minutes for the Appellant's reply.

Done in French and English, the French version being authoritative.

Done this fourth day of September 2002  
At The Hague  
The Netherlands

(signed)

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Claude Jorda  
President

**[Seal of the Tribunal]**